

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 16-CR-20810-04
HON. GEORGE CARAM STEEH

TAKATA CORPORATION,

Defendant.

_____ /

**ORDER REQUIRING SPECIAL MASTER
TO SUBMIT CERTAIN INFORMATION**

On August 6, 2019, the Special Master Eric D. Green submitted a request for approval of the first distribution from the Individual Restitution Fund (“IRF”) for the court’s approval. (Doc. 111). The Special Master received 256 IRF claims by the August 31, 2018 deadline for the filing of a Current Claim. Of those claims, the Special Master determined that 102 claims were eligible for compensation and 154 were ineligible. On May 3, 2019, the Special Master sent award letters to eligible claimants setting forth their proposed point award and likely dollar range for the value of the Current Claim, and ineligible award letters to those whose claims were deemed to be non-compensable. Claimants were notified of their right to

appeal. The Special Master received 53 Notices of Appeal challenging a determination of ineligibility, and 74 notices of appeal challenging the amount of an award. As directed in the Revised IRF Methodology, (Doc. 77-1 at PgID 2151-52), independent third-party Review Officers then re-examined the 127 claims for which Notices of Appeal were filed and made a recommendation to the Special Master as to each Current Claim that they reviewed. The Special Master then considered each of the recommendations of the Review Officers, and confirmed or revised the Claimant's eligibility or award. Now before the court is the Special Master's Request (Doc. 111) that this court approve the Current Claimants listed on Exhibit A as eligible claimants and the distribution of the monetary awards listed on Exhibit A to these claimants. The Special Master further recommends that the court approve the denial of the Current Claims listed on Exhibit B.

Per the Minutes of the July 25, 2019 Conference with the Special Master, the Special Master agreed to notify Current Claimants: (i) of their point award and the monetary value of the award; (ii) of the filing of his Request (Doc. 111), and (iii) that they may object to the Request by submitting a written response to the Special Master on or before August

30, 2019. (Doc. 111 at PgID 3006). Following the objection deadline, the Special Master is to confer with the court to review the current claim dispositions and any submitted objections.

Pursuant to the Revised IRF Methodology (Doc. 77-1 at PgID 2152) and the Notice of Appeal claim form available on the Takata Airbag Individual Restitution Fund website, the Special Master is required to submit his proposed award determinations to this court for the court's approval. In order to review and approve the proposed distributions and denial of claims as set forth in the Special Master's August 6, 2019 Request (Doc. 111), the court REQUESTS that the Special Master submit brief background materials as to the 127 claims for which Notices of Appeal were filed, the recommendations of the independent third-party Review Officers with respect to those appeals, and the Special Master's recommendations as to same. These materials are to be submitted on or before September 16, 2019 under seal and under miscellaneous case number 19-mc-51227. Further, any objections filed on or before August 30, 2019 as permitted in the Special Master's August 6, 2019 Request (Doc. 111), and the Special Master's recommendation with respect to any

such objections are to be submitted to the court on or before September 16, 2019.

IT IS FURTHER ORDERED that the Special Master submit brief background materials to support his determination that 92% of the IRF should be reserved for Future Claims on or before September 16, 2019.

IT IS SO ORDERED.

Dated: August 27, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 27, 2019, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk